

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OMAR MARTINEZ,

Defendant.

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8:07CR99

ORDER

This matter is before the court on the motion of Mark W. Bubak to withdraw as counsel for the defendant, Omar Martinez (Martinez) (Filing No. 22). Mr. Bubak represents that the attorney-client relationship has deteriorated to the extent new counsel should be appointed. The court held a hearing on the motion on June 6, 2007. Martinez appeared with Mr. Bubak and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Laura Garcia-Hein, a certified Spanish language interpreter, served as interpreter. Following an *in camera* session with Martinez and Mr. Bubak, the court determined the attorney client relationship was broken to the extent new counsel should be appointed.

Mr. Bubak's motion to withdraw (Filing No. 22) is granted. The Federal Public Defender for the District of Nebraska is appointed to represent Martinez for the balance of these proceedings. Mr. Bubak shall forthwith provide the Office of the Federal Public Defender with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Bubak which are material to Martinez's defense.

The clerk shall provide a copy of this order to the Office of the Federal Public Defender for the District of Nebraska who shall file an appearance forthwith.

Martinez requested additional time for his new counsel to consider and file pretrial motions. Martinez will be given **until June 29, 2007**, in which to file any pretrial motions in accordance with the progression order (Filing No. 6). The ends of justice have been served by granting such additional time to file pretrial motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of

the granting such time, i.e., the time between **June 6, 2007 and June 29, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

The trial of this matter will be rescheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline.

IT IS SO ORDERED.

DATED this 6th day of June, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge